

§401 Water Quality Certification

Idaho Department of Environmental
Quality

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Overview

- ✓ Authority
- ✓ Purpose
- ✓ DEQ 401 Program
- ✓ 401 Process for 404 Permits
- ✓ Existing NWP Certification

Authority

CWA Section 401(a)(1)

- Federal license or permit
- activity which may result in discharge
- into waters of the U.S.

Authority

- Federal Permits/Licenses

- Hydroelectric (FERC)
- 404 (Corps)
- NPDES (EPA)

- Timeline

- ≤ 1 year



Purpose

- Ensure federal permits comply with
 - CWA
 - state WQS (IDAPA 58.01.02)
 - Other appropriate water quality requirements of State law

Decisions

- Certify
- Certify with Conditions
- Deny
- Waive

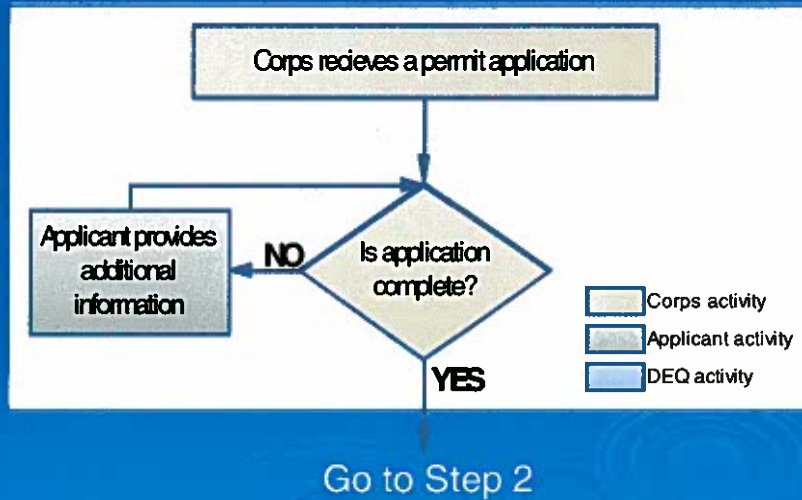
Idaho's 401 Program

- State Office
 - Coordinates 401 program
 - General permits
 - Individual permits on case by case basis
- Regional Offices
 - Individual permits
 - Individual certifications for general permits

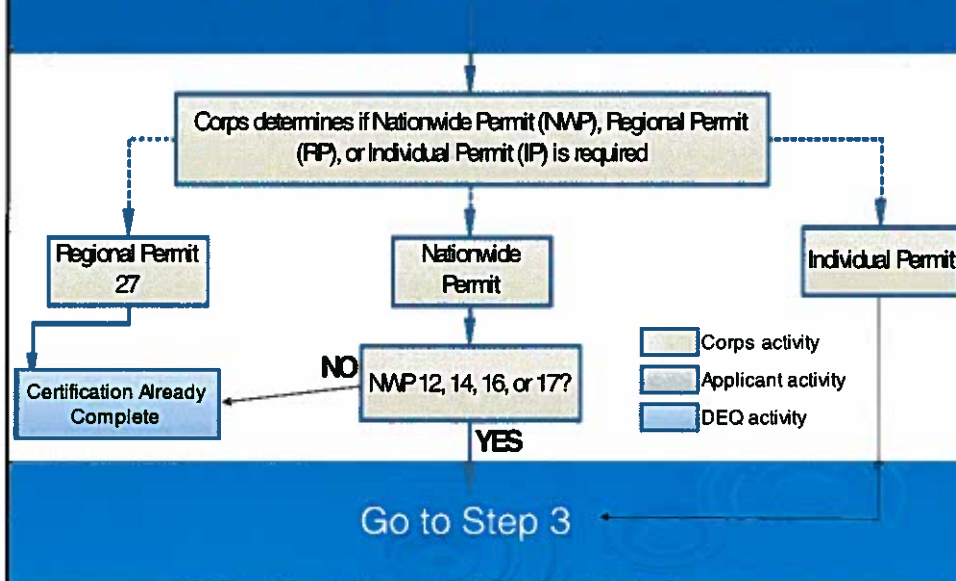
DEQ Process for 404 Permits

- Interagency Coordination
- Recent Changes
 - Certification Template
 - Public comment period (21 days)
 - Antidegradation Implementation

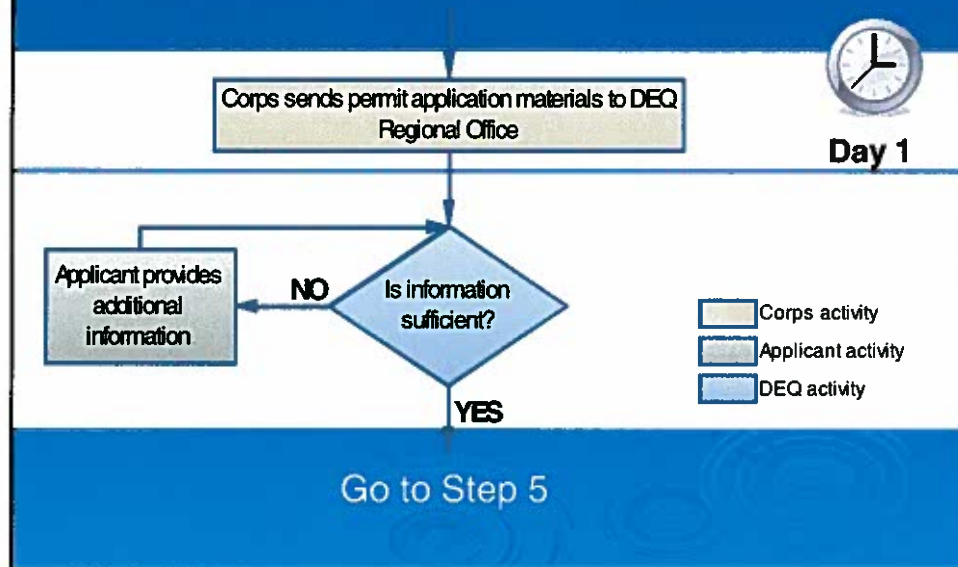
401/404 Flow Chart – Step 1



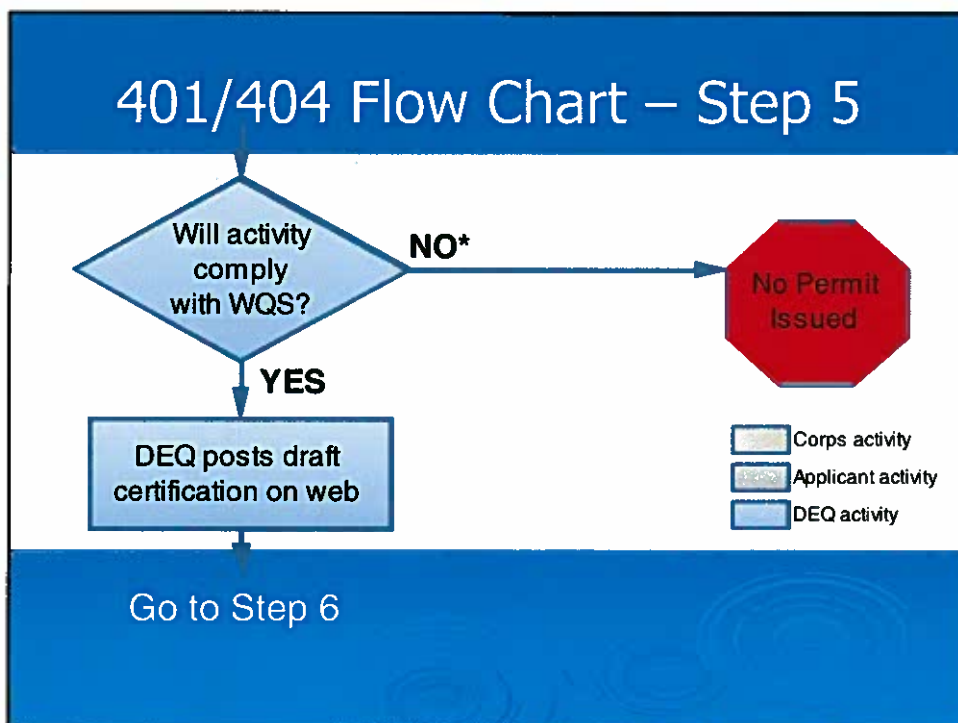
401/404 Flow Chart – Step 2



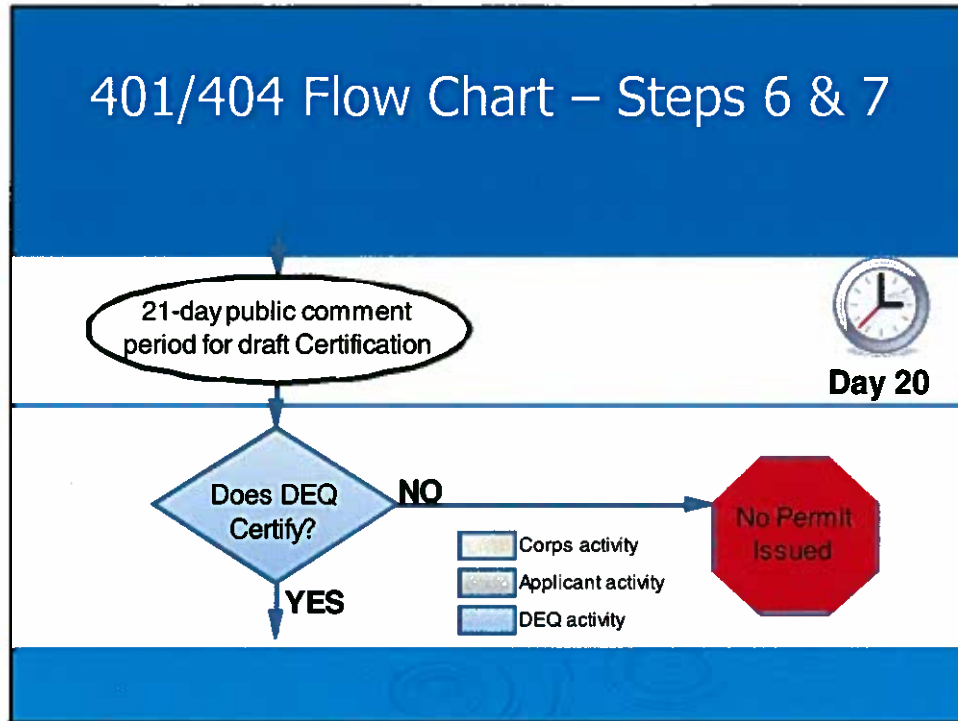
401/404 Flow Chart – Steps 3 & 4



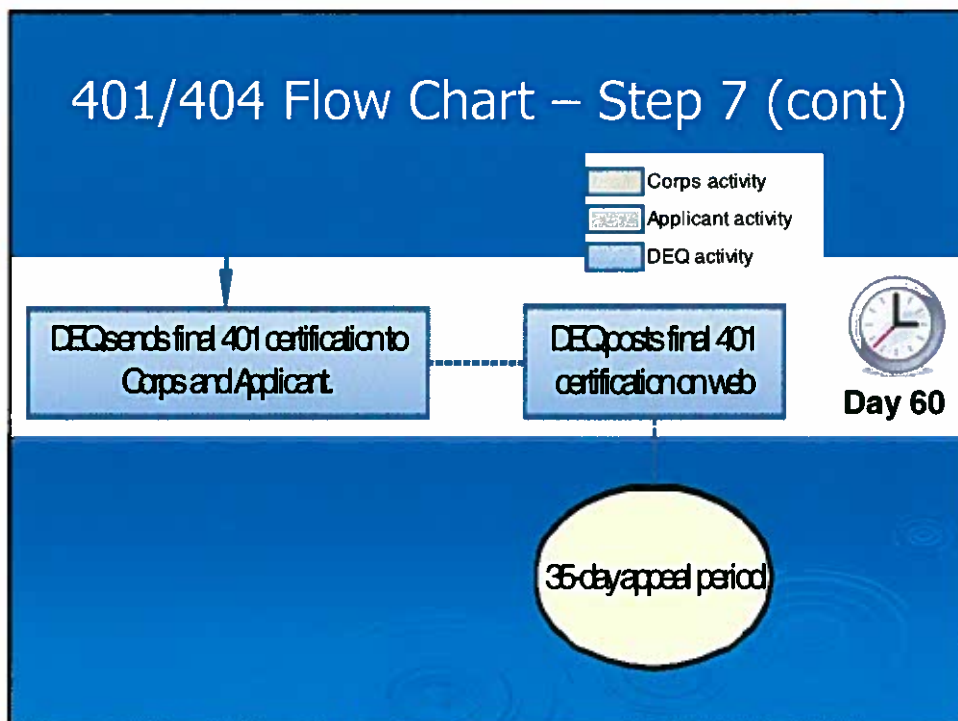
401/404 Flow Chart – Step 5



401/404 Flow Chart – Steps 6 & 7



401/404 Flow Chart – Step 7 (cont)



Process Questions?



§401 Certification of NWP's

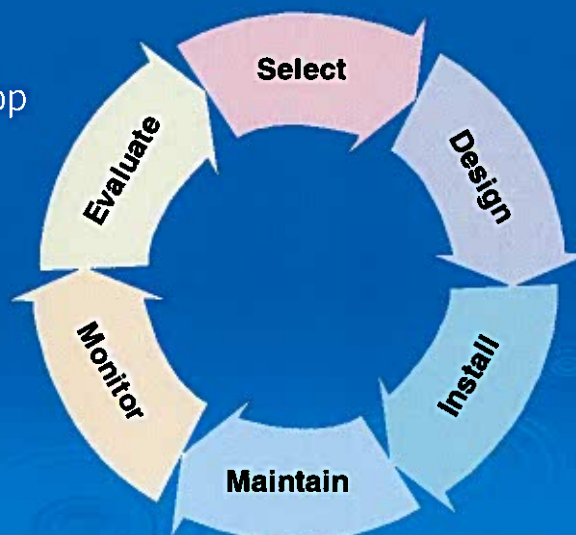
- Draft Certification issued April 6, 2007
- Final Certification issued May 11, 2007
 - Certified with conditions (45 NWP's)
 - Denied Certification (4 NWP's)

Certification Conditions for NWP

- 5 conditions
 - BMPs
 - Wood Preservatives
 - Hazardous and Deleterious Materials
 - Bank Stabilization
 - Impaired Waters
- Permittee must comply with these conditions!

NWP Conditions

- BMPs
 - Feedback loop
 - Catalog



NWP Conditions

- Wood Preservatives
- Hazardous and Deleterious Materials
 - Storage/spill control measures
- Bank Stabilization
 - Bioengineering preferred

NWP Conditions

- Impaired Waters
 - Notify DEQ in writing
 - Project description/location
 - Affected water body
 - Start/end dates
 - BMPs
 - Contact information
 - Comply with TMDL

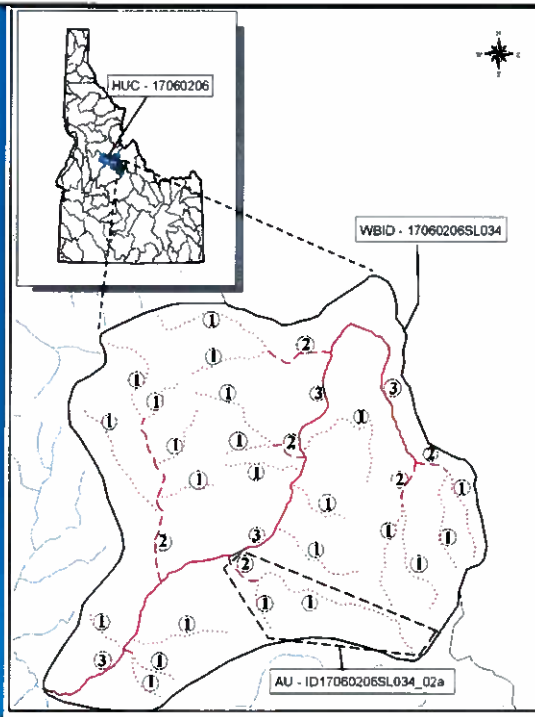
**How do I know if my
project is on an
impaired water body?**

Impaired waters

Assessment Unit =

WBID +

Hydrography
(Stream Order)



Impaired waters

- Most recent Integrated Report – 2008 IR
- Search PDF
- Interactive Mapper

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[See Also](#)

[Integrated Report Overview](#)

[Previous Integrated 503\(d\), 505\(b\) Reports](#)

[Water Quality Improvement Plans \(TWQIPs\)](#)

[Water Quality Standards](#)

[Contact DEQ](#)

[Regional Office](#)
[Water Quality Managers](#)

[State Office](#)
[Water Quality Division](#)
[Nicole Delmarovici](#)
[509.378.0941](#)

Surface Water:
Final 2008 Integrated Report

[Link to Report](#)

[Use DEQ's map based integrated report web site to see 2008 Integrated Report results for your favorite stream.](#)

[Link to Response to Comments](#)

Every two years, DEQ is required by the federal [Clean Water Act](#) to conduct a comprehensive analysis of Idaho's water bodies to determine whether they meet state [water quality standards](#) and support beneficial uses or if additional pollution controls are needed. This analysis is summarized in an "Integrated Water Quality Monitoring and Assessment Report" (Integrated Report), which is submitted to the U.S. Environmental Protection Agency (EPA) for approval. The report serves as a guide for developing and implementing water quality improvement plans ([total maximum daily loads, or TMDLs](#)) to protect water quality and achieve federal and state water quality standards.

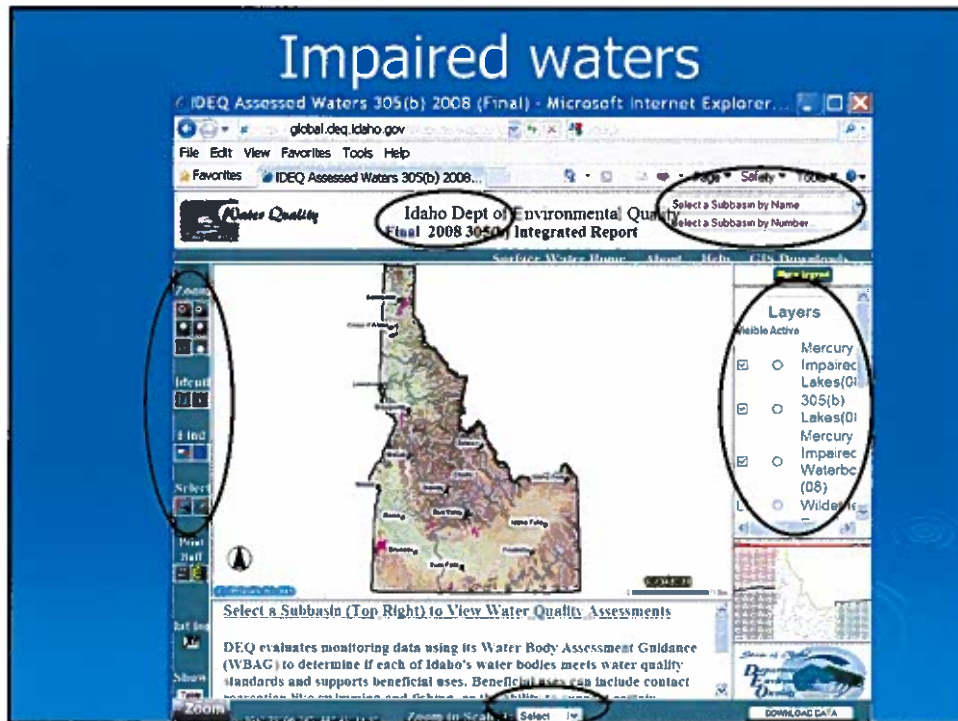
An Integrated Report must be approved by EPA before it can be used by a state to guide its management decisions. Idaho's most recent approved version is its 2008 Integrated Report. This document will continue to guide DEQ's water quality management decisions until a 2010 Integrated Report is completed by DEQ and approved by EPA.

[Read more on Integrated Report purpose, organization, and background.](#)

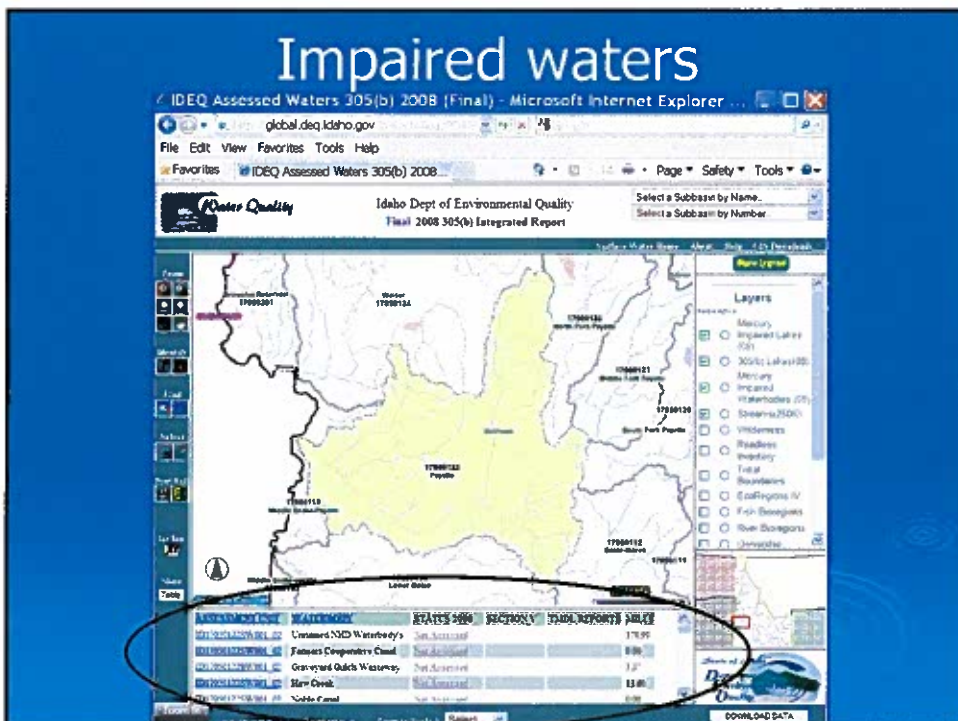
Background

The public and EPA commented on the draft 2008 Integrated Report in February 2008 ([view DEQ's responses](#)). DEQ's Integrated Report was completed and submitted to EPA for review and approval in July 2008. Based on EPA's review of the

Impaired waters



Impaired waters



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When in Doubt...

- Contact Regional DEQ Office

Coeur d'Alene
(208) 769-1422

Twin Falls
(208) 736-2190

Lewiston
(208) 799-4370

Pocatello
(208) 236-6160

Boise
(208) 373-0550

Idaho Falls
(208) 528-2650

NWPs Denied Certification

- NWP 12 – Utility Line Activities
- NWP 14 – Linear Transportation Projects
- NWP 16 – Return Water from Upland Contained Disposal Areas
- NWP 17 – Hydropower Projects

Permittee must obtain a 401 certification decision from DEQ

Useful URLs

- 401 Certification Information
 - http://www.deq.idaho.gov/water/permits_forms/permitting/401_certification.cfm
- Integrated Report
 - http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/integrated_report.cfm
- TMDLs
 - http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/sba_tmdl_master_list.cfm

Questions?



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